

APPENDIX 3
FACILITY-WIDE APPLICABLE REQUIREMENTS

APPENDIX 3

APPLICABLE REQUIREMENTS AND STANDARDS

This appendix presents a review of the air quality regulations that will govern operation of the proposed Toquop Energy, LLC, Toquop Energy Project (TEP). In this appendix, federal air regulations were reviewed for applicability to the proposed project. Applicability of Nevada regulations are covered in the forms, which are included in this appendix. Specifically, the following regulations and standards were reviewed:

- Prevention of Significant Deterioration (PSD) Regulations;
- Good Engineering Practice (GEP) Stack Height Regulations;
- New Source Performance Standards (NSPS);
- National Emission Standards for Hazardous Air Pollutants (NESHAP);
- Compliance Assurance Monitoring (CAM);
- Risk Management Program (RMP);
- Acid Rain Program (ARP) Regulations;
- Title V Operating Permit Program;
- Ozone Depleting Substances; and
- Emergency Episode Plan as required under Nevada Administrative Code (NAC) 445B.230.

The federal regulatory programs, as administered and delegated by the U.S. Environmental Protection Agency (USEPA), have been developed under the authority of the Clean Air Act (CAA or Act) and its amendments. The following subsections review the key elements of the federal regulatory program, and the impact they have on the permitting and operation of the proposed project. Attention is placed on National Ambient Air Quality Standards (NAAQS) (40 Code of Federal Regulations [CFR] 50), PSD (40 CFR 52.21), NSPS (40 CFR 60), NESHAP (40 CFR 61, 40 CFR 63), CAM (40 CFR 64), RMP (40 CFR 68), ARP regulations (40 CFR 72, 73, 75, 76, 77), the Federal Operating Permit Program (40 CFR 70), and the Protection of Stratospheric Ozone (40 CFR 82).

3.1 Classification with Regard to Ambient Air Quality

The 1970 CAA gave USEPA specific authority to establish the minimum level of air quality that all states would be required to achieve. These minimum values or standards were developed to protect the public health (primary) and welfare (secondary). The federally promulgated standards, adopted by Nevada as state standards, are presented in **Table 3-1**. In addition to the air quality standards promulgated by USEPA, Nevada has developed a supplemental standard for hydrogen sulfide (H₂S). The Nevada Bureau of Air Pollution Control (BAPC) ambient air quality standards also are included in **Table 3-1**.

Table 3-1
Ambient Air Quality Standards

Pollutant	Averaging Period ²	NAAQS ¹		Nevada BAPC Regulation Standards ¹	
		Primary	Secondary	Primary	Secondary
Sulfur dioxide (SO ₂)	Annual	80	-- ³	80	-- ³
	24-hour	365	-- ³	365	-- ³
	3-hour	-- ³	1,300	-- ³	1,300
Particulate matter (PM) with an aerodynamic diameter less than 10 microns (PM ₁₀)	Annual	50	50	50	50
	24-hour	150	150	150	150
PM with an aerodynamic diameter less than 2.5 microns (PM _{2.5})	Annual	15	15	15	15
	24-hour ⁴	35	35	35	35
Carbon monoxide (CO)	8-hour	10,000	-- ³	10,500	-- ³
	1-hour	40,000	-- ³	40,500	-- ³
Ozone (O ₃)	8-hour	157	157	-- ³	-- ³
Nitrogen dioxide (NO ₂)	Annual	100	100	100	100
Lead (Pb)	3-month	1.5	-- ³	1.5	-- ³
H ₂ S	1-hour	-- ³	-- ³	102	-- ³

¹ All standards in this table are expressed in µg/m³.

² National short-term ambient standards may be exceeded once per year; annual standards may never be exceeded. Nevada short-term standards may never be exceeded. O₃ standard is attained when the expected number of days of an exceedance is equal to or less than one.

³ No ambient standard for this pollutant and/or averaging period.

⁴ The PM_{2.5} NAAQS standard was finalized on 10/17/2006, 71FR61144.

Source: 40 CFR 52.21, and 445B.22097.

The 1990 CAA Amendments called for a review of the ambient air quality of all regions of the United States (U.S.). By March 15, 1991, states were required to file with USEPA designations of all areas as either attainment, non-attainment, or unclassifiable. Areas of the country that had monitored air quality levels equal to or better than these standards (i.e., ambient concentrations less than a standard) as of March 15, 1991, became designated as "attainment areas," while those areas where monitoring data indicated air quality concentrations greater than the standards became known as "non-attainment areas."

The designation of "unclassifiable" indicates that there is insufficient monitoring data to prove that the area has attained the federal standards; however, the limited data available indicates that the standard has been achieved. Areas with this classification are treated by USEPA as attainment areas for permitting purposes.

The current federal air quality classifications for the project area in Lincoln County are listed in **Table 3-2**, for each criteria pollutant. These designations were obtained from the July 2005 edition of 40 CFR 81 and updated with later information. The designation of an area has particular

importance for a proposed project as it determines the type of permit review to which an application will be subject.

Table 3-2
Classification of Project Area in Lincoln County, Nevada, for Each Criteria Pollutant

Pollutant	Attainment Status
CO	Unclassifiable/Attainment
NO ₂	Unclassifiable/Attainment
SO ₂	Attainment
Particulate Matter (PM ₁₀)	Unclassifiable
O ₃ (8-hour)	Unclassifiable/Attainment
Pb	Unclassifiable/Attainment
PM _{2.5}	Unclassifiable/Attainment

Source: 40 CFR 81.329.

Major new sources or major modifications to existing major sources located in attainment areas are required to obtain a PSD permit prior to initiation of construction.¹

Toquop Energy is aware of the proposed regulations for implementing the PM_{2.5} standard (70 Federal Register [FR] 66033, November 1, 2005). However, the proposed regulations include consideration of several options for New Source Review. No clear guidance for determining PM_{2.5} emission rates, controls, or modeling of impacts is established. The application follows established USEPA policy that compliance with PM₁₀ requirements demonstrates compliance with PM_{2.5} standards.

3.2 PSD Program

3.2.1 PSD Applicability

The determination of whether PSD regulations are applicable to a specific project must be conducted in two parts: first dealing with the air quality status of the location of the project and second evaluating the type and quantity of PSD-regulated pollutants that will be emitted. For the regulations to apply to a given project, it must first be determined whether the proposed location is in an area that has been classified as attainment or as unclassifiable. Since Lincoln County, in the vicinity of the proposed project area, is designated as attainment or unclassifiable for all criteria pollutants, PSD review will apply as discussed below.

¹ The Nevada state air pollution control regulations provide that New Source Review related requirements apply only in nonattainment areas. Therefore, these requirements are not currently applicable in Lincoln County (NAC §445B.308, Article 13.1.1, 13.1.3-.7).

The project's potential to emit (PTE) is then reviewed to determine whether it constitutes a major stationary source or major modification. A major stationary source is defined as either one of the sources identified in 40 CFR 52.21 (see **Table 3-3**) and which has a PTE 100 tons or more per year of any regulated pollutant, or any other stationary source which has the PTE 250 tons or more per year of a regulated pollutant. A coal-fired boiler is considered a fossil fuel-fired steam electric plant, and since the TEP will have a heat input of more than 250 million British thermal units (MMBtu)/hour, the applicable major source threshold is 100 tons per year (tpy). "Potential to emit" has a special meaning here as it is determined on an annual basis after the application of air pollution control equipment, or any other practically enforceable restriction. Once it is determined that a pollutant exceeds the PSD major source threshold, each of the remaining pollutants is subject to PSD review if the PTE exceeds the PSD Significant Emission Rates listed in **Table 3-4**.

Table 3-3
Major Stationary Source Categories with a 100 TPY Threshold

Fossil Fuel-Fired Steam Electric Plants of More Than 250,000,000 Btu Per Hour Heat Input
Coal Cleaning Plants (with thermal dryers)
Kraft Pulp Mills
Portland Cement Plants
Primary Zinc Smelters
Iron and Steel Mill Plants
Primary Aluminum Ore Reduction Plants
Primary Copper Smelters
Municipal Incinerators Capable of Charging More Than 250 Tons of Refuse Per Day
Hydrofluoric, Sulfuric or Nitric Acid Plants
Petroleum Refineries
Lime Plants
Phosphate Rock Processing Plants
Coke Oven Batteries
Sulfur Recovery Plants
Carbon Black Plants
Primary Lead Smelters
Fuel Conversion Plants
Sintering Plants
Secondary Metal Production Plants
Chemical Processing Plants
Fossil-Fuel Boilers (or combination thereof) Totaling of More Than 250,000,000 Btu Per Hour Heat Input
Petroleum Storage and Transfer Units With a Total Storage Capacity Exceeding 300,000 Barrels
Taconite Ore Processing Plants
Glass Fiber Processing Plants
Charcoal Production Plants

Source: 40 CFR 52.21 (1).

Table 3-4
PSD Significant Emission Rates

Pollutant	Emission Rate (tpy)
CO	100
Oxides of nitrogen (NO _x)	40
SO ₂	40
Total suspended particulates	25
Fine particulate matter (PM ₁₀)	15
O ₃	40 of Volatile Organic Compounds (VOCs)
Pb	0.6
Fluorides	3
Sulfuric acid mist	7
Total reduced sulfur	10
Reduced sulfur compounds	10
H ₂ S	10

Source: 40CFR 52.21 (23).

By this definition, and based upon the emissions presented in Appendix 5, the proposed project will constitute a major stationary source because it is classified as one of the 28 named source categories and will emit more than 100 tpy of at least one regulated pollutant. Therefore, the project is subject to PSD pre-construction permitting review in addition to any state requirements. The various requirements of the PSD program are addressed in this application.

3.2.2 PSD Program Requirements

The following provides a summary of the application requirements for projects subject to PSD.

Best Available Control Technology

The requirements for Best Available Control Technology (BACT) were promulgated within the framework of PSD in the 1977 CAA. The purpose is to minimize consumption of PSD air quality increments and thereby preserve ambient air quality and to maintain the potential for future economic growth without significantly degrading air quality. Guidelines for the evaluation of BACT can be found in USEPA's Cost Control Manual (USEPA 1996) and in the PSD/New Source Review Workshop Manual (USEPA 1990). These guidelines were drafted by USEPA to provide a consistent approach to BACT and to ensure that the impacts of alternative emission control systems are measured by the same set of parameters.

Pursuant to USEPA guidance, pending promulgation of the PM_{2.5} implementation rule, PM₁₀ is used as a surrogate in meeting New Source Review requirements for PM_{2.5}. Consequently, the

BACT analysis for the emission sources of PM_{2.5} has been addressed as PM₁₀ in this application. Additionally, emissions of fine particulates (PM_{2.5}) are generally regarded as a subset of emissions of coarse particulates (PM₁₀). In light of USEPA guidance and the relationship of PM_{2.5} to PM₁₀, the emissions for PM_{2.5} from the applicable sources are accounted for within the PM₁₀ emission estimates in this application document.

Appendix 10 of this document contains the complete BACT analysis for the TEP.

Air Quality Monitoring Requirements

In accordance with requirements of 40 CFR 52.21(m), any application for a PSD permit must contain an analysis of existing ambient air quality data in the area to be affected by the proposed project. The definition of existing air quality can be satisfied by air measurement data from either a state-operated or private network, or by a pre-construction monitoring program that is specifically designed to collect data in the vicinity of the proposed source. The requirement for on-site air quality monitoring is based on the impact levels provided in 40 CFR 52.21(i)(5).

Ambient air monitoring for a period of up to 1 year may be required to properly satisfy this monitoring requirement. This condition may be waived if a project would cause an impact less than USEPA-specified *de minimis* monitoring levels established by the USEPA (see **Table 3-5**). This potential requirement is discussed further in Appendix 8.

Table 3-5
PSD *De Minimis* Monitoring Threshold Concentrations

Pollutant	Averaging Period	Threshold Concentration (µg/m³)
CO	8-hour	575
NO ₂	Annual	14
SO ₂	24-hour	13
PM/PM ₁₀	24-hour	10
O ₃	NA	⁽¹⁾
Lead	3-month	0.1
Fluorides	24-hour	0.25
Total Reduced Sulfur	1-hour	10
Reduced Sulfur Compounds	1-hour	10
H ₂ S	1-hour	0.2

¹ Exempt if VOC emissions are less than 100 tpy.

As discussed in Appendix 8 of this document, the preliminary air dispersion analysis of the proposed project indicates some off-site impacts will be greater than PSD ambient monitoring

thresholds (40 CFR 52.21(i)(5)). Toquop Energy initiated an onsite ambient monitoring program on May 1, 2006, and has collected 12 months of data. The monitoring program includes meteorological conditions (from a 50-meter tower and Sonic Detection and Ranging [SODAR]) and air quality levels (PM₁₀, SO₂, NO₂, CO, O₃, and Pb). Results of this monitoring program for the 1-year baseline are provided in Appendix 8A.

Source Impact Analysis

A source impact analysis must be performed for a proposed project subject to PSD review for each pollutant for which the increase in emissions exceeds the significant emission rate. The PSD regulations specifically provide for the use of atmospheric dispersion modeling in performing impact analyses, estimating baseline and future air quality levels, and determining compliance with NAAQS and allowable PSD increments. Designated USEPA models must normally be used in performing air quality analyses. Specific applications for other than USEPA-approved models require consultation prior to use. Guidance for the use and application of dispersion models is presented in the USEPA publication Guideline on Air Quality Models (USEPA 1999)². The source impact analysis for criteria pollutants may be limited to only the new or modified sources if a net increase in impact due to the new or modified source is below the significant impact levels (SILs) presented in **Table 3-6**.

Table 3-6
Allowable PSD Increments and SILs (µg/m³)

Pollutant	Averaging Time	PSD Increments		SILs	
		Class I	Class II	Class I	Class II
PM ₁₀	Annual Arithmetic Mean ¹	4	17	0.2	1
	24-hour Maximum ²	8	30	0.3	5
SO ₂	Annual Arithmetic Mean ¹	2	20	0.1	1
	24-hour Maximum ²	5	91	0.2	5
	3-hour Maximum ²	25	512	1	25
CO	8-hour Maximum	NA	NA	NA	500
	1-hour Maximum	NA	NA	NA	2000
NO ₂	Annual Arithmetic Mean ¹	2.5	25	0.1	1

¹ PSD Increment not to be exceeded.

² PSD Increment not to be exceeded more than once per year.

³ Class I SILs were proposed in FR July 23, 1996.

Notes: NA = Not applicable, i.e., no increment exists.

Source: 40 CFR 50; 40 CFR 51.165, 40 CFR 52.21.

² 40 CFR 51, Appendix W

Various lengths of record for meteorological data can be utilized for impact analysis. However a 1-year period of onsite data is normally required. The focus of this modeling effort is to define the "highest" and "highest-second-highest" short-term concentration for comparison to NAAQS or PSD increments. The term "highest-second-highest" refers to the highest of the second highest concentration at all receptor locations. The second-highest concentration is significant because short-term NAAQS specify that the standards should not be exceeded at any location more than once per year. For compliance with Nevada air quality standards, the highest impact level at any receptor is compared to the listed standard.

A dispersion modeling analysis in the vicinity of the TEP is performed in accordance with USEPA and Nevada BAPC guidance, and is provided in Appendix 8A.

PSD Increments

PSD regulations specify that new major sources or modifications to existing major sources may change baseline air quality only by a defined amount. This limited incremental degradation is known as a PSD increment. PSD increments have been established for Class I and Class II areas for PM₁₀, SO₂, and NO₂ (see **Table 3-6**).

The allowable change, or increment, is dependent on the classification of the area in which the action is to take place. When PSD regulations were first promulgated, three area classifications were proposed based on criteria set in the 1977 CAA.

Class I areas are those in which the least amount of degradation can occur. Class I areas are federally mandated and include specific national parks, national forests, and wilderness areas. Class III increments are the least restrictive of the three PSD Classes, but to date, no Class III areas have been officially designated. The remainder (and vast majority) of the country (including Clark County) is designated as a Class II area.

In no case can the allowable PSD increment cause a violation of the NAAQS. For example, if the annual average ambient levels of SO₂ were 70 µg/m³ in a Class II area, only half of the annual allowable PSD increment (20 µg/m³) could be consumed so as not to violate the annual SO₂ NAAQS of 80 µg/m³. It also should be noted that the increment is consumed sequentially by the sources as they submit complete applications. Once the increment in an area has been consumed, no further development can be allowed until evidence can be provided that no violation of a standard or increment would result.

A dispersion modeling analysis with respect to Class II areas is performed in accordance with USEPA and Nevada BAPC guidance and is provided in Appendix 8A and a Class I area analysis is provided in Appendix 8B.

Additional Analyses

In addition to the standard air quality analyses, federal regulations require an analysis of the impairment to visibility and the effects on soils and vegetation that would occur as a result of project construction and operation. These analyses are to be conducted primarily for Class I PSD areas to demonstrate that the project will not adversely impact air quality related values in a PSD Class I area. Impacts due to commercial, residential, industrial, and other growth in the vicinity of the project also must be addressed to the extent they are a result of the proposed action. These analyses are required for each pollutant emitted in significant quantities. The additional analyses for Class II areas are provided in Appendix 11 and the additional analyses for Class I areas are included in Appendix 8B.

3.3 Good Engineering Practice Stack Height Analysis

The 1977 CAA require that the degree of emission limitation required for control of any pollutant not be affected by a stack which exceeds the GEP height (USEPA 1985). Further, no dispersion credit is given during air quality modeling for stacks which exceed GEP. GEP stack height is defined as the highest of:

- 65 meters; or
- A height established by applying the formula:

$$H_{GEP} = H + 1.5 L$$

Where; H_{GEP} = GEP Stack Height,

H = Height of the structure or nearby structure, and

L = Lesser dimension (height or projected width) of the nearby structure; or

- A height demonstrated by fluid modeling or field study.

A structure or terrain feature is considered nearby if a stack is within a distance of five times the structure's height or maximum projected width. Only the smaller value of the height or projected width is used and the distance to the structure cannot be greater than 0.8 kilometer. Although GEP stack height regulations require that the stack height used in modeling for determining compliance with NAAQS and PSD increments not exceed GEP stack height, the actual stack height may be greater.

The stack height regulations also increase GEP stack height beyond that resulting from the formula in cases where plume impaction occurs. Plume impaction is defined as concentrations measured or modeled to occur when the plume interacts with elevated terrain. Elevated terrain is defined as terrain that exceeds the height calculated by the GEP stack height formula. Because

terrain in the vicinity of the project site is generally flat, plume impaction was not considered in determining the GEP stack height for the TEP.

All stacks to be constructed at the project site will each be less than or equal to GEP and, therefore, are in compliance with GEP regulations, as discussed in Appendix 8A.

3.4 Applicability of NSPS

The regulation of new sources, through the development of standards applicable to a specific category of sources, was a significant step taken by the CAA (P.L. 91-604). The Administrator was directed to prepare and publish a list of stationary source categories that, in the Administrator's judgement, cause or contribute significantly to air pollution and that may reasonably be anticipated to endanger public health. Further, the Administrator was to publish a proposed regulation establishing a Standard of Performance for any new source, which fell into any category. The significant feature of the law is that it applies to all new, modified, or reconstructed sources within a given category, regardless of geographic location or the existing ambient air quality. The standards defined emission limitations that would be applicable to a particular source group. For PSD sources, BACT can be no less stringent than an applicable NSPS. The NSPS potentially applicable to the project will include:

- Subpart A – General Provisions;
- Subpart Da – Standards of Performance for Electric Utility Steam Generating Units;
- Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units;
- Subpart Y – Standards of Performance for Coal Preparation Plants;
- Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants;
- Subpart Kb – Standards of Performance for Volatile Organic Storage Vessels;
- Subpart HHHH – Standards of Performance for New and Existing Electric Utility Steam Generating Units; and
- Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

Each of these potentially applicable subparts is discussed below.

Subpart A – General Provisions

Certain provisions of 40 CFR Part 60 Subpart A apply to the owner or operator of any stationary source subject to a NSPS. Since the supercritical pulverized coal-fired boiler (Subpart Da, Subpart HHHH), the auxiliary boilers (Subpart Dc), coal handling/processing (Subpart Y), limestone handling system (Subpart OOO), and diesel backup generator and diesel fire-water pump engine (Subpart IIII) will be subject to a NSPS, the TEP will be required to comply with all applicable provisions of Subpart A. Subpart A provisions that impose requirements on the TEP are identified in **Table 3-7**.

Table 3-7
Summary of Regulatory Requirements of NSPS Subpart A – General Provisions

40 CFR 60 Subpart A Section	Requirement	Compliance Action
60.7	Initial notification and recordkeeping	Toquop Energy will submit all NSPS-related notifications to USEPA Region IX and Nevada BAPC for the proposed project in a timely manner.
60.8	Performance Tests	Toquop Energy will conduct all required performance tests using designated reference test methods or other methods approved by the Administrator.
60.11	Compliance with standards and maintenance requirements	Toquop Energy will operate and maintain the units using good air pollution control practices
60.13	Monitoring requirements	Required pollutant monitoring pursuant to NSPS will utilize methods outlined in 60.13.
60.19	General notification and reporting requirements	All NSPS reports and notification will follow the format and schedule set forth in 60.19.

Subpart Da – Standards of Performance for Electric Utility Steam Generating Units

Subpart Da regulations apply to (fossil-fuel fired) electric utility steam generating units for which construction, modification, or reconstruction commenced after September 18, 1978, and which have a heat input capacity of greater than 250 MMBtu/hour. Since the coal-fired boiler will have a heat input greater than 250 MMBtu/hr and meet the “steam generating unit” definition, it will be subject to Subpart Da.

Subpart Da specifies emissions limitations, monitoring, reporting, and recordkeeping requirements for PM, NO_x, SO₂, and opacity. A summary of the emission limitations and monitoring device requirements for each regulated pollutant is provided in **Table 3-8**. On

February 28, 2005, USEPA proposed a revision to the New Source Performance Standards under Subpart Da (see 70 FR 38 page 9706). The standard for particulate matter is based on filterable portion only, and is based on the heat rate input, similar to the previous standards. The standards for SO₂ and NO₂ are based on the gross electric power output (pounds per Megawatt-hour, or lbs/MW-hour) of the proposed facility. The standards apply to any new source starting construction after February 28, 2005, which would apply to the TEP. The standards are provided in **Table 3-8**.

Table 3-8
Summary of Regulatory Requirements of NSPS Subpart Da

Pollutant	Emission Limit¹	Monitoring
PM	0.015 lbs/MMBtu or 99.8% reduction	No direct particulate monitoring required. Compliance determined using testing, monitoring, and other provisions indicative of the particulate matter control system. Alternative methods may be used, subject to approval.
Opacity	20% (6-minute average), except one 6-minute period per hour of no more than 27%.	Continuous Opacity Monitor for opacity or alternative monitoring technique, and either oxygen (O ₂) or carbon dioxide (CO ₂). Monitor must meet the requirements of §60.48a unless the continuous emission monitoring system (CEMS) is installed to meet the requirements of 40 CFR §75.
SO ₂	1.4 lb/MW-hour (gross), or 95% reduction; compliance determined on 30-day rolling average.	CEMS for SO ₂ , and either O ₂ or CO ₂ . Monitor must meet the requirements of §60.47a unless the CEMS is installed to meet the requirements of 40 CFR §75.
NO _x	1.0 lb/MW-hour (gross); compliance is determined over a 30-day rolling average.	CEMS for NO _x , and either O ₂ or CO ₂ . Monitor must meet the requirements of §60.47a unless the CEMS is installed to meet the requirements of 40 CFR §75.
Mercury	0.021 lb/GW-hour (gross) for bituminous coal firing.	CEMS for mercury or sorbent trap technology. A unit-specific monitoring plan is required [§60.49a(p) and (q)].
	0.042 lb/GW-hour (gross) for subbituminous coal firing while using a wet flue gas desulfurization (FGD) for SO ₂ control.	CEMS for mercury or sorbent trap technology. A unit-specific monitoring plan is required [§60.49a(p) and (q)].
	Weighted averaged emissions lb/GW-hour (gross) for blended coal firing while using a wet scrubber for SO ₂ control.	CEMS for mercury or sorbent trap technology. A unit-specific monitoring plan is required [§60.49a(p) and (q)].

¹ Emission limits do not apply during periods of startup, shutdown or malfunction.

On May 18, 2005, USEPA finalized the mercury rule for emissions from electric utility steam generating units. That rule sets emission limits for new units' coal fired boiler emissions based on the coal rank (bituminous vs. subbituminous) and the control technology. On June 9, 2006, a finalized rule was issued in the Federal Register again revising the emission limits for coal-fired boilers. The final emission rates for units firing bituminous coal is 0.020 pounds per gigawatt hour (lbs/GW-hour) of gross electric output. For units firing subbituminous coals with wet FGD controls

such as proposed for the TEP, the limit is 0.066 lbs/GW-hour of gross electric output. For a blend of bituminous and subbituminous coals, the weighted arithmetic average of these limits (lbs/MMBtu) would apply. Emission limits of total mercury are based on compliance with a 12-month rolling average emission rate from each unit.

The TEP will be required to install a CEMS for opacity, SO₂, and NO_x pursuant to 40 CFR §60.47a(a), (b), and (c) and a CEMS for O₂ or CO₂ pursuant to 40 CFR §60.47a(d). An initial performance test is required to demonstrate compliance with PM, opacity, NO_x, and SO₂ emission standards in accordance with the test methods specified in §60.48a. Compliance with the NO_x and SO₂ standards will be determined based on a 30-day rolling average of NO_x and SO₂ emissions as measured by the CEMS.

Recordkeeping and reporting requirements also are imposed by this subpart (i.e., 40 CFR §60.49a). The results of the initial performance tests as well as the performance tests of the CEMS must be submitted to Nevada BAPC and USEPA Region IX. Specific recordkeeping requirements are identified that need to be performed on a daily basis and over a 30-day operating period. The CEMS data are submitted to USEPA Region IX in an acceptable electronic format on a quarterly basis. In addition, this subpart specifies separate recordkeeping and reporting requirements that must be followed during any emergency or malfunction of combustion and/or emission control systems or monitoring equipment, especially those events that result in excess emissions.

Information that must be recorded in a permanent log include the following items.

- Identification of the operating days when the 30-day rolling average SO₂ and NO_x emission rates are in excess of the applicable SO₂ and NO_x limits, along with the reason(s) for the excess emissions.
- List of days the pulverized coal boiler operated for which no pollutant data have been obtained.
- Identification of the times when emissions data have been excluded from the calculation of average emission rates and the reason(s) why.
- Identification of the “F” Factor, method of determination, and type of fuel combusted. The “F” Factor will be determined during initial performance testing. If the “F” Factor is recalculated during subsequent testing, the change will be noted in the quarterly reports submitted to the agencies.
- Identification of the times when the pollutant concentration exceeds full span on the CEMS.

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- Description of any modifications made to the CEMS equipment.
 - Results of the daily CEMS drift tests and quarterly accuracy assessment. Daily drift tests will be performed and recorded in the Data Acquisition Handling System, but not submitted to the agencies. Failed drift tests will be noted in the quarterly reports submitted to the agencies.

Excess emission reports, including all of the recordkeeping data noted above, must be submitted quarterly. Otherwise, semi-annual reports will need to be prepared and submitted to supplement the quarterly excess emission report. All records must be maintained for at least 2 years following the date of the record.

Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

Subpart Dc regulations apply to each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of 29 MW (100 MMBtu/hour) or less. This Subpart would therefore apply to the auxiliary boilers, which are rated at a heat input capacity of 86.4 MMBtu/hr.

For SO₂ emissions standards, Subpart Dc §60.42c(d) applies to this equipment. It states, “On and after the date on which the initial performance test is completed or required to be completed under Sec. 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts oil shall cause to be discharged into the atmosphere any gases that contain SO₂ in excess of 0.50 lbs/MMBtu heat input.” As an alternative, no owner or operator of an affected facility that combusts oil shall combust oil in the affected facility that contains greater than 0.5 weight percent sulfur. As stated in §60.42c(d), percent reduction requirements are not applicable to affected facilities under this paragraph. The auxiliary boilers will be fueled by diesel oil with less than 0.5 weight percent sulfur; therefore, the facility will be in compliance with this standard. The SO₂ emission limits under this section apply at all times, including periods of startup, shutdown, and malfunction.

For particulate emissions standards, Subpart Db §60.43c(c) applies to this equipment. It states, “On and after the date on which the initial performance test is completed or required to be completed under Sec. 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal, wood, or oil and has a heat input of 30 MMBtu/hr or greater shall cause to be discharged into the atmosphere from that affected facility any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of

not more than 27 percent opacity.” The PM and opacity standards under this section apply at all times, except during periods of startup, shutdown, or malfunction.

Subpart Y – Coal Preparation Plants

The TEP will have a coal handling system. The coal handling system is subject to the provisions of Subpart Y for Coal Preparation Plants, which have been promulgated at 40 CFR §60.250 *et seq.* These provisions apply to affected facilities in which coal preparation plants process more than 200 tons per day of coal. The affected facilities at the power plant include the coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems.

Subpart Y limits the opacity to 20 percent from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal. The TEP coal handling system is designed with baghouses, dust suppression, containment, collection, and/or enclosures that will limit the opacity to less than 20 percent.

Subpart Y requires an initial performance test using USEPA-approved test methods to demonstrate compliance with the aforementioned emission limits. Opacity is verified by Reference Method 9 and procedures described in 40 CFR §60.11.

Subpart OOO – Nonmetallic Mineral Processing Plants

Subpart OOO applies to certain activities at nonmetallic mineral processing plants. Limestone, which will be used in the wet FGD emissions control systems, and gypsum, the byproduct from the wet FGD system, are classified as a nonmetallic minerals. The TEP will contain a ball mill to pulverize limestone as part of the slurry preparation process. This ball mill is included in the definition of a grinding mill, which is an affected facility. Belt conveyors and storage bins also are affected units. Therefore, the requirements of Subpart OOO will apply to the limestone material handling activities at the TEP. The gypsum handling system does not have a crusher or grinding mill associated with that system; therefore, the requirements of Subpart OOO will not apply to the gypsum handling system.

The requirements of Subpart OOO include an emission limit of 0.022 gr/dscf and 7 percent opacity on stack emissions from transfer points, 10 percent opacity from fugitive emissions from affected facilities, 15 percent opacity from fugitive emissions from crushers, and 7 percent opacity from baghouse emissions from storage bins related to limestone handling systems. Compliance will be determined using USEPA Reference Method 5 or Method 17 for stack emissions and Reference Method 9 for opacity determinations. Recordkeeping and reporting will follow the requirements contained in §60.676.

Subpart Kb – Volatile Organic Liquid Storage Vessels

Subpart Kb was reviewed with respect to the expected installation and operation of the fuel oil storage tanks to be located at the facility. The Subpart applies to storage vessels containing volatile organic liquids (VOLs) with a capacity greater than 75 m³ (approximately 19,800 gallons). There is one VOL storage vessels at the TEP site that will have storage capacities greater than 75 m³. This includes a 1,060,000-gallon fuel oil storage tank that will store distillate fuel oil for main boiler startup operations and firing of the auxiliary boilers. However, this Subpart does not apply to storage vessels with a capacity greater than 151 m³ storing a liquid with a maximum true vapor less than 3.5 kPa (approximately 0.51 pounds per square inch ambient). Since the vapor pressure of distillate fuel oil is below 3.5 kPa, the tank is exempt from this Subpart.

Subpart HHHH – Standards of Performance for New and Existing Electric Utility Steam Generating Units (Mercury Controls)

On May 18, 2005, USEPA finalized the mercury rule for emissions from electric utility steam generating units. In addition to the limits for new units specified in Subpart A, the rule requires each affected facility to “hold” allowances for mercury emissions after 2010. The Nevada Division of Environmental Protection would implement a cap-and-trade program for all affected facilities in Nevada. That program may follow the guideline cap-and-trade approach, it may participate in the national program, or Nevada may develop its own internal cap-and-trade emission limit, based on the allowances provided in 40 CFR 60.4140. Emission limits of total mercury are based on compliance with a 12-month rolling average emission rate from each unit.

Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

On July 11, 2005, USEPA proposed, and on July 11, 2006, promulgated this rule that applies to stationary diesel-fired internal combustion (IC) engines that set standards for NO_x, CO, PM, and non-methane hydrocarbon (NMHC), along with limiting SO₂ emissions through use of lower sulfur fuel. This regulation would apply to the backup generator and fire-water pump engine at the TEP. The primary burden of the proposed regulation falls on IC engine manufacturers, rather than on owners/operators, since engine manufacturers must certify their engines to the emission standards established in the rule, for all pollutants, for the same model year and maximum engine power. As defined in the regulation:

An emergency stationary internal combustion engine means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary IC engines used to produce power for critical networks or equipment (including power supplied to portions of a facility) when

electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary IC engines used to pump water in the case of fire or flood, etc.

Starting with 2007 model year and later engines that are not fire-water pump engines, owners and operators are required to demonstrate compliance by purchasing engines certified by the manufacturer to meet the applicable emission standards, and keeping the manufacturer's documentation showing the engines are certified. As stated in §60.4205(b), which references the emission standards that manufacturers are required to meet, the backup generator must comply with the emission standards as identified in **Table 3-9**. As stated in §60.4208, after December 31, 2008, owners/operators may not install stationary IC engines that do not meet the applicable requirements for 2007 model year engines (excluding firewater pump engines).

Table 3-9
Proposed Emission Standards for Stationary Emergency Engines

Engine Power	Model Year(s)	Emission Standards (g/hp-hr) ¹		
		NMHC + NO _x	CO	PM
≥750 hp	2007+	4.8	2.6	0.15

¹ From 40 CFR 89.112

Specific certification requirements and emission standards are applicable to fire-water pump engines, including the 284 horsepower (hp) fire-water pump engine proposed for the TEP. Starting with model year 2009, firewater pump engines must comply with the emission standards as identified in **Table 3-10**.

Table 3-10
Proposed Emission Standards for Stationary Fire-Water Pump Engines

Engine Power	Model Year(s)	Emission Standards (g/hp-hr)		
		NMHC + NO _x	CO	PM
175≤hp<300	2008 and earlier	7.8	2.6	0.40
	2009+ ¹	3.0	2.6	0.15

¹ In model years 2009-2011, manufacturers of fire pump stationary IC engines with a rated speed of greater than 2,650 rpm may certify 2009-2011 model year fire pump stationary IC engines to the emission limitations for 2008 model year engines.

As required by §60.4207, beginning October 1, 2007, owners and operators of diesel-fired IC engines must use diesel fuel with a sulfur content ≤500 ppm by weight and beginning October 1, 2010, owners and operators must use diesel fuel with a sulfur content ≤15 ppm by weight.

3.5 Applicability of NESHAP

Realizing that there were numerous pollutants that did not meet the specific criteria for development of a NAAQS, Congress included Section 112 in the 1970 CAA which specifically addressed this problem. Section 112 provides the USEPA with a vehicle for developing standards for potentially hazardous pollutants.

During the development of the 1970 CAA, the Senate prepared a report identifying potentially hazardous compounds that were to be considered for regulation under the new section. The 1990 CAA Amendments significantly expanded the number of compounds to be regulated under Section 112. Under the current provisions of the Act and implementing regulations, 188 compounds or classes of compounds are to be regulated under Section 112(b) by November 15, 2000.

The regulations that have been developed to implement Section 112(b) are presented in 40 CFR, Parts 61 and 63. These parts contain a listing of those pollutants that have been designated as being hazardous (Part 61.01, 63.01, 63.74 and Section 112[b] of the Act) as defined in Section 112, and standards applicable to specific industries. Unlike the NSPS, emission limits or control requirements developed to implement Section 112 of the Act, as amended, are applicable to both new and existing sources that emit pollutants regulated by this section.

3.5.1 40 CFR 61 NESHAP

Twenty-three hazardous emission standards were promulgated under the provisions of Section 112 prior to the 1990 CAA Amendments and are found in 40 CFR 61. However, none of these standards (40 CFR 61) is applicable to the TEP.

3.5.2 40 CFR 63 NESHAP

Maximum achievable control technology (MACT) standards have been promulgated under the amended Section 112 of the 1990 CAA Amendments and are provided in 40 CFR Part 63. The MACT standards that are applicable to the TEP will include:

- Subpart A – General Provisions;
- Subpart DDDDD – NESHAP for Industrial, Commercial and Institutional Boilers & Process Heaters; and
- Subpart ZZZZ – NESHAP for Stationary Reciprocating Internal Combustion Engines.

Each of these potentially applicable subparts is discussed below.

Subpart A – General Provisions

The General Provisions for all sources affected by a MACT standard are promulgated under Subpart A. Each of the promulgated standards contains a detailed list of Subpart A - General Provisions that are applicable to the affected facility. The critical sections of Subpart A are summarized in Section 63.6, specifically including paragraph 63.6(e) which provides operation and maintenance requirements. **Table 3-11** lists the Subpart A provisions that impose requirements and compliance actions on TEP.

Table 3-11
Summary of Regulatory Requirements of 40 CFR 63 Subpart A – General Provisions

40 CFR 63 Subpart A Section	Requirement	Compliance Action
63.6	Operational requirements including Startup, Shutdown, and Malfunction (SSM) Plan. Compliance with opacity and non-opacity standards.	Toquop Energy will develop a SSM Plan, maintain a copy on site, and verify operations in accord with a SSM checklist. Toquop Energy will comply with applicable emission standards.
63.7	Performance Testing	Toquop Energy will conduct all required performance testing using the designated reference methods.
63.8	Monitoring Requirements	Required monitoring will be conducted in accord with this regulation.
63.9	Notification Requirements	Toquop Energy will provide required notifications, including the initial notification, special notifications as applicable, and notification of compliance status.
63.10	Reporting Requirements	Toquop Energy will provide routine semi-annual reports, special reports, reports of excess emissions, reports when SSM Plan is not followed.

Subpart B – Requirements for Clean Air Act Sections 112(g) and 112(i)

Regulations in 40 CFR Part 63, Subpart B governs the construction or reconstruction of major sources of hazardous air pollutants for which a NESHAP has not been promulgated. A MACT standard for oil- and coal-fired electric utility steam generating units, sometimes called the “Mercury MACT”, was proposed on December 15, 2003, and finalized on May 18, 2005. USEPA has issued a revised finding, removing coal- and oil-fired electric utility steam generating units from the list of sources that would require a standard under Section 112. This application takes the approach that the Section 112 requirements do not apply to the coal-fired units at the TEP.

Subpart DDDDD – Industrial, Commercial and Institutional Boilers & Process Heaters

A MACT standard for industrial boilers (Subpart DDDDD) was promulgated on September 13, 2004. This regulation would apply to the auxiliary boilers that provide process steam for plant startup. As a liquid fuel-fired large unit (> 10 MMBtu/hr) with limited use (< 10 percent annual capacity), standards apply to emissions of PM, hydrogen chloride, and CO. The auxiliary boiler emissions, as detailed in Appendix 5, will be below the MACT emission limits.

Subpart ZZZZ – Stationary Reciprocating Internal Combustion Engines

On June 12, 2006, a proposed rule was issued in the Federal Register to amend 40 CFR 63, Subpart ZZZZ. An affected source under this amended Subpart is any new stationary reciprocating internal combustion engine (RICE) with a site-rating of more than 25 brake horsepower, which are located at either a major source or area source of hazardous air pollutants. The backup generator and fire-water pump engine to be located at the TEP will fall under this regulation since current design calls for a RICE of more than 25 brake horsepower. These engines would be tested on a routine basis for the purpose of maintenance checks and readiness testing. Required testing should be minimized, but there is no time limit on the use for routine testing and maintenance. As defined in the regulation:

Emergency *stationary RICE* means any stationary RICE whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary RICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary IC engines used to pump water in the case of fire or flood, etc.

The emission standards of this proposed rule state that any new or reconstructed 2007 model year and later compression ignition (CI) stationary RICE must comply with the PM and NMHC emission standards for new CI engines as specified in 40 CFR Subpart IIII, §60.4204 and 60.4205, as applicable. As the backup generator engine and fire-water pump engine will be subject to NSPS Subpart IIII, these engines will comply with the emission standards of 40 CFR 63, Subpart ZZZZ.

3.6 Compliance Assurance Monitoring

On October 27, 1997, USEPA promulgated the CAM Rule, 40 CFR Part 64, which addresses monitoring for certain emission units at major sources, thereby assuring that facility owners and operators conduct effective monitoring of their air pollution control equipment. In order to be subject to CAM, the following criteria must be met:

- The unit is subject to an emissions limitation or standard for the pollutant of concern;
- An “active” control device is used to achieve compliance with the emission limit; and
- The emission unit’s pre-control PTE is greater than the applicable major source threshold.

The CAM rule does not apply to facilities that are subject to Sections 111 (NSPS) or 112 (NESHAP) of the CAA issued after November 15, 1990; or those sources subject to the ARP and emissions trading programs.

Emissions units at the TEP that could potentially be subject to the CAM Rule are the boilers, which are controlled by selective catalytic reduction (SCR) for NO_x and a wet scrubber for SO₂, and various storage silos and material handling operations that are controlled by baghouses. However, NO_x and SO₂ emissions from the boiler are subject to monitoring under the ARP required under Title IV of the 1990 CAA Amendments. The facility will comply with the monitoring, recordkeeping, and reporting requirements within 40 CFR 75; therefore, the facility is exempt from CAM for NO_x and SO₂ from the main boilers. Based on final design, a CAM plan will be developed for particulate (PM₁₀) controls for the main boilers.

Baghouses will control emissions from the storage silos and coal and limestone handling operations. CAM plans will need to be developed for these units with the submittal of the Title V application. CAM plans will be developed based on final vendor selection and vendor design and submitted with the Title V application.

3.8 Title IV Acid Rain Provisions

Acid Rain provisions, adopted as part of the 1990 CAA Amendments, are primarily designed to control SO₂ and NO_x emissions from fossil fuel-fired combustion devices in the electricity generating industry. In an effort to accomplish this goal, an Acid Rain permitting program was established to mandate control, monitoring, recordkeeping, and reporting requirements.

The TEP’s proposed boilers are fossil fuel-fired combustion devices used to generate electricity for sale, and its capacity serves a generator that exceeds 25 MW. Therefore, the proposed boilers meet the definition of an affected Phase II “utility unit” under the ARP pursuant to Title IV of the 1990 CAA Amendments.

This applicability requires the TEP to:

- Obtain an ORIS code which is assigned by the U.S. Department of Energy;
- Establish a Designated Representative (DR) for the facility;
- File a single-day public notice certifying the DR in a local newspaper of general circulation;
- Apply for a Phase II Acid Rain permit;
- Install CEMS to demonstrate compliance with the ARP provisions meeting the requirements specified in 40 CFR 75; and
- Hold allowances equivalent to annual NO_x and SO₂ emissions.

An ARP application must include the date that the units will commence commercial operation and the deadline for monitoring certification (90 days after commencement of commercial operation). Toquop Energy plans to submit an application for an ORIS code, establish a DR, publish the required notification of a DR in a local publication, and submit an application for a Phase II acid rain permit at least 24 months before the commencement of operation (defined as startup of a monitor, control technology, or combustion chamber) of the units, as required by the regulation.

Toquop Energy will operate in compliance with all applicable provisions of the Title IV Acid Rain rules as adopted by reference under NAC 445B.221. The facility also will meet all applicable Acid Rain requirements that become effective after the issuance of an Acid Rain permit.

A Title IV Acid Rain monitoring plan will be submitted as required under 40 CFR 72. The plan will include the installation, proper operation, and maintenance of continuous monitoring systems or approved monitoring provisions under 40 CFR 75 for NO_x, SO₂, carbon dioxide (as a diluent), and opacity. Depending on the monitoring technology available at the time of installation, the plan will cite the specific operating practices and maintenance programs that will be applied to the instruments. The plan also will cite the specific form of records that will be maintained, their availability for inspection, and the length of time that they will be archived. The plan will cite that the Acid Rain permit and applicable regulations will be reviewed at specific intervals for continued compliance and the specific mechanism that will be used to keep current on rule applicability.

3.9 Risk Management Program, Section 112(r)

Title III of the 1990 CAA Amendments contains requirements for subject facilities that store and/or process certain hazardous substances for ensuring their safe use. Under these requirements,

facilities must identify and assess their hazards and carry out certain activities designed to reduce the likelihood and severity of accidental chemical releases. Section 112(r) of the CAA, codified in 40 CFR Part 68, mandated the USEPA to publish rules to develop and implement risk management plans for sources with more than the threshold quantity of a listed regulated substance to identify, prevent, and minimize the consequences of accidental releases. The three elements that should be incorporated into the risk management plan include:

- Hazard Assessment;
- Prevention Program; and
- Emergency Response Program.

Aqueous ammonia is a regulated toxic substance (concentrations 20 percent or greater) with a threshold quantity of 20,000 pounds. Anhydrous ammonia is a regulated toxic gas with a threshold quantity of 10,000 pounds. Current plans for the TEP are to store anhydrous ammonia for the SCR system in amounts greater than the threshold quantity; therefore, the facility will be required to develop and implement a risk management plan, which will be in place at the facility prior to the first fill of the ammonia storage tanks.

Other chemicals and fuels that will be stored at the TEP also will be evaluated for inclusion in the risk management plan.

The RMP in Nevada is administered by the Division of Environmental Protection, under its Chemical Accident Prevention Program (CAPP). CAPP basically incorporates all the federal RMP requirements, and includes requirements for major facilities that are comparable to the most stringent (Level 3) federally designated level. A more stringent requirement in Nevada is that the CAPP must be approved prior to the construction of the affected units, rather than being approved prior to filling the affected tanks.

3.10 Applicability of Title V – Major Source Operating Permit

The State of Nevada has been delegated authority to implement the major source operating permit program (Title V) in accordance with the requirements of 40 CFR Part 70 and Title V of the 1990 CAA Amendments. The operating permit regulations are contained in NAC 445B.287 and are briefly summarized in the following text. The minimum requirements for operating permit application contents are provided in NAC 445B.295.

The TEP's proposed boilers are fossil fuel-fired combustion devices with criteria pollutant emission levels above 100 tpy. NAC 445B.094(2)(l) defines a major source as a source which "Directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant...". Therefore, Toquop Energy will submit a Title V Class I-B Operating Permit Application to the State

of Nevada, so that it can be deemed complete no later than 12 months after the commencement of operations. The Title V application is not part of this document.

3.11 Protection of Stratospheric Ozone

Title VI of the 1990 CAA Amendments adopted provisions for the protection of stratospheric ozone, which are codified in 40 CFR 82. This Subpart contains requirements for subject facilities that manufacture, store, distribute, process or otherwise handle ozone depleting substances (ODS). The TEP may have equipment that contain ODS, such as air conditioning equipment and/or refrigeration equipment. Toquop Energy, LLC will ensure that maintenance of air conditioners or refrigeration equipment that contain ODS will only be conducted by technicians that have been properly trained and certified according to the requirements of 40 CFR 82.

3.12 Plan for Reduction of Emissions (445B.230)

3.12.1 Background

Toquop Energy is providing an emergency episode plan in this PSD application pursuant to NAC 445B.230, which requires a plan for reducing or eliminating emissions in accordance with the episode stages of alert, warning, and emergency as defined in the air quality plan for the State of Nevada. The purpose of an emergency episode plan is to prevent the occurrence (or reduce the effect) or Air Pollution Emergency Episodes (APEEs) in the Air Quality Control Regions in the State of Nevada. An APEE is defined in Section 6 of the State Implementation Plan as sufficiently high levels of ambient air pollutant concentrations at a given location that could cause imminent and substantial danger to human health.

An emergency episode can be “bracketed” by two conditions: one, indicating the likely onset of an episode, and the other describing that point to which air quality must never deteriorate. The first condition might be thought of as a “Forecast” condition. Whenever meteorological conditions are such that the air is likely to remain stagnant for 24 hours or more, it is possible that air contaminants could build up to harmful levels. On the other end of the scale are levels of air contamination that could cause substantial endangerment to individuals during episode conditions. The following criteria represent a level of pollution that should not be allowed to occur. In terms of various air contaminants, these levels have been defined by the federal government for areas in which the ambient air quality exceeds the health-based national ambient air quality standards by a margin, as shown in **Table 3-12**.

Table 3-12
Substantial Endangerment Level

Pollutant	Averaging Period	Concentration
PM ₁₀	-24 hr. average	600 µg/m ³
SO ₂	-24 hr. average	2,620 µg/m ³ or 1 ppm
CO	-8 hr. average	57.5 mg/m ³ or 50 ppm
CO	-4 hr. average	86.3 mg/m ³ or 75 ppm
CO	-1 hr. average	144 mg/m ³ or 125 ppm
NO ₂	-24 hr. average	938 µg/m ³ or 0.5 ppm
NO ₂	-1 hr. average	3,750 µg/m ³ or 2 ppm
O ₃	-2 hr. average	1,200 µg/m ³ or 0.6 ppm

To assist in emergency episode planning and to insure that emission reduction actions start soon enough to prevent reaching the levels listed above, three levels of episode criteria are defined. These levels are Stage 1, Stage 2, and Stage 3.

- The Stage 1 level is that concentration of pollutants at which first stage control actions are to begin.
- The Stage 2 level indicates that air quality is continuing to deteriorate and that additional abatement actions are necessary.
- The Stage 3 level is when air quality is continuing to degrade toward a level at which a significant endangerment to human health may occur and the most stringent control actions are necessary.

The air pollution levels defining the three (3) episode stages are shown in **Table 3-13**.

Table 3-13
Episode Stage Pollutant Levels

Pollutant Levels Defining Episode Stages	Stage 1	Stage 2	Stage 3
SO ₂ 24 hour average µg/m ³ (ppm)	800 (0.3)	1,600 (0.6)	2,100 (0.8)
PM ₁₀ 24 hour average µg/m ³	350	420	500
CO – 8 hour average mg/m ³ (ppm)	17 (15)	34 (30)	46 (40)
NO ₂ -1 hour average µg/m ³ (ppm)	1,130 (0.6)	2,260 (1.2)	3,000 (1.6)
NO ₂ 24 hour average µg/m ³ (ppm)	282 (0.15)	565 (0.3)	750 (0.4)
Ozone – 1 hour average µg/m ³ (ppm)	400 (0.2)	800 (0.4)	1,000 (0.5)

Note: Stage 1 and 2 episodes will be declared when any of the levels above have been reached and meteorological conditions are such that pollutant concentrations can be expected to remain at or above the levels for 12 or more hours. These episodes also will be declared if levels have the potential to increase (unless control actions are taken) or, in the case of O₃, the situation is likely to recur within the next 24 hours unless control actions are taken.

3.12.2 Identification of Pollutants Emitted

The facility emits the following pollutants:

Source	Pollutant
Main Coal-Fired Boiler	NO _x , SO ₂ , PM ₁₀ , CO
Other Combustion Equipment (auxiliary boilers, backup generator, fire-water pump engine)	NO _x , SO ₂ , PM ₁₀ , CO
Fugitive Emissions from Coal, Limestone and CCP Handling	PM ₁₀

3.12.3 Expected Reduction of Pollutants During Each Stage

The following percent reduction in plant-wide potential emissions applies to the indicated stages.

Stage	Percent Reduction
1	25
2	50
3	100

3.12.4 Methods Employed to Achieve Reduction

NO_x: In the case of a Stage 1 Episode, the TEP will reduce firing to 75 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 2 Episode, the TEP will reduce firing to 50 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 3 Episode, all TEP operations will be discontinued.

SO₂: In the case of a Stage 1 Episode, the TEP will reduce firing to 75 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 2 Episode, the TEP will reduce firing to 50 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 3 Episode, all TEP operations will be discontinued.

CO: In the case of a Stage 1 Episode, the TEP will reduce firing to 75 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 2 Episode, the TEP will reduce firing to 50 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 3 Episode, all TEP operations will be discontinued.

O₃: In the case of a Stage 1 Episode, the TEP will reduce firing to 75 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 2 Episode, the TEP will reduce firing to

50 percent of maximum firing rate for the main coal-fired unit. In the case of a Stage 3 Episode, all TEP operations will be discontinued.

Inhalable Particulate Matter (PM₁₀): In the case of a Stage 1 Episode, the TEP will reduce firing to 75 percent of the combined maximum firing rate for the main coal-fired unit. All fugitive particulate emitting sources, coal handling, and ash handling operations will be minimized by using available storage of coal supply and ash storage silos to the extent possible. Additional surface stabilization (water sprays) will be added to roadways and exposed storage or disposal piles. In the case of a Stage 2 Episode, the TEP will reduce firing to 50 percent of maximum firing rate for the main coal-fired unit. All fugitive particulate emitting sources, coal handling, and ash handling operations will be minimized by using available storage of coal supply and ash storage silos. Additional surface stabilization (water sprays) will be added to roadways and exposed storage or disposal piles. In the case of a Stage 3 Episode, all TEP operations will be discontinued.

In the case of a Stage 1 Episode, the TEP will eliminate all unnecessary diesel fuel combustion. In the case of a Stage 2 Episode, the TEP diesel fuel combustion will be curtailed back to 75 percent. In the case of a Stage 3 Episode, the TEP will discontinue diesel fuel combustion activities.

3.13 References

- U.S Environmental Protection Agency (USEPA). 1999. Guideline on Air Quality Models, (Revised), EPA-450/2-78-027R-C. Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina.
- _____. 1996. OAQPS Control Cost Manual. 5th Edition, 6th Edition. EPA document 453/B-96-001, EPA/452/B-02-001. February 1996, revised January 2002.
- _____. 1990. DRAFT, "New Source Review Workshop Manual", Office of Air Quality Planning and Standards. October 1990.
- _____. 1985. Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations), (Revised), EPA-450/4-80-023R. Office of Air and Radiation, Office of Air Quality Planning and Standards. Research Triangle Park, North Carolina.

Appendix 3

FACILITY-WIDE APPLICABLE REQUIREMENTS

Instructions

Complete Table 1 provided in Appendix 3. Table 1 contains the general applicable requirements for the facility. In addition provide the following:

1. List, describe and cite all specific applicable requirements as defined in NAC 445B.019 (e.g., SIP, NAC, NSPS, NESHAPS, 112(r), acid rain, stratospheric ozone, etc.). [NAC 445B.3363.1(g)]
2. Explain any proposed exemption from any specific applicable requirement. [NAC 445B.295.1(f)]
3. Describe methods for determining compliance with each specific applicable requirement. [NAC 445B.295.2(g)]

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>Nevada Revised Statute (NRS) 445B.470 (<i>State Only Requirement</i>) <u>Prohibited Acts</u> Source shall not knowingly:</p> <ol style="list-style-type: none"> 1. Violate any applicable provision, the terms or conditions of any permit or any provision for the filing of information; 2. Fail to pay any fee; 3. Falsify any material statement, representation or certification in any notice or report; or 4. Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or 445B.470 to 445B.640, inclusive, or any regulation adopted pursuant to those provisions. 	Not Exempt	Not Applicable	In Compliance
<p>NAC 445B.22013 (<i>State Only Requirement</i>) <u>Prohibited Discharge</u> Source shall not cause or permit the discharge into the atmosphere from any stationary source of any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public, as determined by the director.</p>	Not Exempt	Health and Safety of general public will not be threatened	In Compliance
<p>NAC 445B.225 (<i>State Only Requirement</i>) <u>Prohibited Conduct: Concealment of Emissions</u> Source shall not install, construct, or use any device which conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.</p>	Not Exempt	Not Applicable	In Compliance
<p>State Implementation Plan (SIP) Article 2.2 (<i>Federally Enforceable State Implementation Plan (SIP) Requirement</i>) <u>Circumvention</u> 2.2.1 - Except for the sole purpose of reducing the odor of an emission, Source shall not install, construct, or use any device which conceals any emission without resulting in a reduction in the total release of air contaminants to the atmosphere.</p>	Not Exempt	Not Applicable	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>NAC 445B.326.1 (445.7133.1) <u>Federally Enforceable Part 70 Program</u> <u>Assertion of Emergency as Affirmative Defense to Action for Noncompliance</u> Source may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the Operating Permit if the holder of the Operating Permit demonstrates through signed, contemporaneous operating logs or other relevant evidence that:</p> <ul style="list-style-type: none"> a. An emergency occurred as defined in 445B.056 and the holder of the Operating Permit can identify the cause of the emergency; b. The facility was being properly operated at the time of the emergency; c. During the emergency, the holder of the Operating Permit took all reasonable steps to minimize excess emissions; and d. The holder of the Operating Permit submitted notice of the emergency to the director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility. 	Not Exempt	Operating procedures will be maintained	In Compliance
<p>NAC 445B.315.3.h (445.7112.2.h) <u>Federally Enforceable Part 70 Program</u> Source shall provide the Bureau of Air Quality, within a reasonable time, with any information that the Bureau of Air Quality requests in writing to determine whether cause exists for modifying, revoking and reissuing, reopening and revising or terminating this Operating Permit or to determine compliance with the conditions of this Operating Permit.</p>	Not Exempt	Facility will submit information upon request	In Compliance
<p>NAC 445B.315.3.i (445.7145, 445.7112.2.i) <u>Federally Enforceable Part 70 Program</u> Source shall pay fees to the Bureau of Air Quality in accordance with the provisions set forth in NAC 445B.327 and 445B.331.</p>	Not Exempt	Facility will pay fees in accordance with provisions in NAC	In Compliance
<p>NAC 445B.315.3.k (445.7112.2.k) <u>Federally Enforceable Part 70 Program</u> A responsible official of Source shall certify that, based on information and belief formed after reasonable inquiry, the statements made in any document required to be submitted by any condition of an Operating Permit are true, accurate and complete.</p>	Not Exempt	Certification will be Submitted	In Compliance
<p>40 CFR 52.21(r)(4) (<u>Federally Enforceable PSD Program</u>) At such time that Source becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of 40 CFR Part 52.21 shall apply to the source or modification as though construction had not yet commenced on the source or modification.</p>	Not Exempt	Not Applicable	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>(NAC 445B.252) <i>(State Only Requirement)</i> <u>Testing and Sampling</u></p> <p>1. To determine compliance with NAC 445B.001 (445.430) to 445B.395 (445.846), inclusive, before the approval or the continuance of an Operating Permit or similar class of permits, the director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the director determines necessary. Testing and sampling or either of them must be conducted and the results submitted to the director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial startup of the facility and at such times as may be required by the director.</p> <p>2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the director:</p> <ul style="list-style-type: none"> a. Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology; b. Approves the use of an equivalent method; c. Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific stationary source is in compliance; or d. Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the director's satisfaction that the affected facility is in compliance with the standard. <p>3. Tests of performance must be conducted under such conditions as the director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of startup, shutdown, and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.</p> <p>4. The owner or operator of an affected facility shall give notice to the director 30 days before the test of performance to allow the director to have an observer present. A written testing procedure for the test of performance must be submitted to the director at least 30 days before the test of performance to allow the director to review the proposed testing procedures.</p> <p>5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the director's approval.</p> <p>6. All testing and sampling will be performed in accordance with recognized methods as specified by the director.</p> <p>7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the director must be provided and paid for by the owner of the stationary source.</p> <p>8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the director no later than 60 days after the testing or sampling, or both.</p>	Not Exempt	Testing and/or Sampling Methods as approved in Test Plan/Protocol will be conducted	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>SIP Article 2.6 (<i>Federally Enforceable SIP Requirement</i>) <u>Testing and Sampling</u></p> <p>2.6.1 - To determine compliance with these regulations prior to approval of or prior to the continuance of an operating permit or similar class of permits, the Director may either conduct or order the owner of any source to conduct or have conducted such testing and sampling as the Director determines necessary.</p> <p>2.6.2 - Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Director.</p> <p>2.6.3 - Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Director (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Directors satisfaction that the affected facility is in compliance with the standard.</p> <p>2.6.4 - Performance tests shall be conducted under such conditions as the Director shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.</p> <p>2.6.5 - The owner or operator of an affected facility shall provide the Director 30 days prior notice of the performance test to afford the Director the opportunity to have an observer present.</p> <p>2.6.6 - Each performance test shall consist of at least two separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs shall apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than two valid samples being obtained, an additional performance test(s) must be conducted.</p> <p>2.6.7 - All testing and sampling will be performed in accordance with recognized methods as specified by the Director.</p> <p>2.6.8 - The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the Director shall be provided and paid for by the owner of the source.</p> <p>2.6.9 - All information and analytical results of testing and sampling shall be certified as to their truth and accuracy and as to their compliance with all provisions of these (SIP) regulations and copies of these results shall be provided to both the owner and Director.</p>	Not Exempt	Testing and/or Sampling Methods as approved in Test Plan/Protocol will be conducted	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
NAC 445B.22067 (<i>State Only Requirement</i>) <u>Open Burning</u> The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in NAC 445B.22067.2.	Not Exempt	Open Burning will not be conducted unless specifically exempted	In Compliance
SIP Article 5.1 (<i>Federally Enforceable SIP Requirement</i>) <u>Open Burning</u> The open burning of any combustible refuse, waste, garbage, oil fires, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in SIP Articles 5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4 and 5.2.5.	Not Exempt	Open Burning will not be conducted unless specifically exempted	In Compliance
NAC 445B.22087 (<i>State Only Requirement</i>) <u>Odors</u> Source may not discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents comfortable enjoyment of life or property.	Not Exempt	Offensive odors are not expected to be emitted	In Compliance
SIP Article 10 (<i>Federally Enforceable SIP Requirement</i>) <u>Odors</u> 10.1.1 - Source shall not discharge, or cause to be discharged from any source any material or air contaminant which is, or tends to be, offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.	Not Exempt	Offensive odors are not expected to be emitted	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>NAC 445B.22093 (<i>State Only Requirement</i>) <u>Organic Solvents and Other Volatile Compounds</u></p> <ol style="list-style-type: none"> Solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers, and manure must be processed, stored, used, and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape, or be otherwise discharged into the ambient air causing or contributing to air pollution. If methods of control are available and feasible effectively to reduce the contribution to air pollution from evaporation, leakage, or discharge, as determined by the director, the installation and use of such methods, devices, or equipment for control is mandatory. Source may not place, store, or hold in any new reservoir, stationary tank or other container with a capacity equal to or greater than 40,000 gallons any gasoline, petroleum distillate, or other volatile organic compound having a vapor pressure of 1.5 lb/square inch absolute or greater under actual storage conditions unless the tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent loss of vapor or gas to the atmosphere or is equipped with one of the following devices properly installed, in good working order, and in operation: <ol style="list-style-type: none"> A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a seal to close the space between the roof eave and tank wall or a vapor balloon or a vapor dome designed in accordance with accepted standards of the petroleum industry. This control equipment is not permitted if the gasoline or petroleum distillate has a vapor pressure of 11 lb/square inch absolute or greater under actual conditions. All gauging and sampling devices for tanks must be gas tight except when gauging or sampling is taking place. Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere. Any tank for the storage of any other petroleum or volatile organic compound which is constructed or extensively remodeled on or after November 7, 1975, must be equipped with a submerged fill pipe or the equivalent, as approved by the director, for control of emissions. All facilities for dock loading of products consisting of petroleum or other volatile organic compounds having a vapor pressure of 1.5 lb/square inch absolute or greater at loading pressure must have facilities for submerged filling by submerged fill pipe or an acceptable equivalent, for the control of emissions. 	Not Exempt	<p>Paints, solvents and other volatile compounds that are stored onsite will be stored/used in such as way as to minimize emissions.</p> <p>Vapor pressure of storage tank contents will be determined.</p> <p>Applicable tanks storing petroleum or volatile organic compounds with a vapor pressure of 1.5 psi or greater will be equipped with a submerged fill pipe, or equivalent</p>	In Compliance
<p>SIP Article 9 (<i>Federally Enforceable SIP Requirement</i>) <u>Organic Solvent, other Volatile Compounds</u></p> <p>9.1 - Materials such as, but not limited to, solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers, and manure shall be processed, stored, used, and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape, or be otherwise discharged into the ambient air causing or contributing to air pollution; and where control methods are available and feasible effectively to reduce the contribution to air pollution from evaporation, leakage, or discharge, as determined by the Director, the installation and use of such control methods, devices, or equipment shall be mandatory.</p>	Not Exempt	Materials, if located on site, will be stored and handled in an appropriate manner	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>SIP Article 9.2 (<i>Federally Enforceable SIP Requirement</i>) <u>Storage Containers Equal to or Greater than 150 kiloliters (40,000 Gallons)</u> 9.2.1 - Source shall not place, store, or hold in any new reservoir, stationary tank or other container any gasoline, petroleum distillate, or other volatile organic compound having a vapor pressure of 1,055 kilograms per square meter (1.5 lb/square inch absolute) or greater (under actual storage conditions) unless such tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent vapor or gas loss to the atmosphere or is equipped with one of the following vapor loss control devices (see 9.2.1, 9.2.1.2) properly installed, in good working order, and in operation.</p> <p>9.2.1.1 - A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a closure seal to close the space between the roof eave and tank wall; or a vapor balloon or a vapor dome, designed in accordance with accepted standards of the petroleum industry. This control equipment shall not be permitted if the gasoline or petroleum distillate has a vapor pressure of 7,734 kilograms (11 lb/square inch absolute) or greater under actual conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.</p> <p>9.2.1.2 - Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere.</p>	<p>Affected storage tanks contain petroleum distillates or VOC compounds less than 1.5 psia</p>	<p>Fuel specifications will document vapor pressure of distillate fuel oil used</p>	<p>In Compliance</p>
<p>SIP Article 9.2 (<i>Federally Enforceable SIP Requirement</i>) <u>Storage Containers Equal to or Greater than 150 kiloliters (40,000 Gallons)</u> (Continued) 9.2.2 - Any other petroleum or volatile organic compound storage tank which is constructed or extensively remodeled, on or after the effective date of these regulations, shall be equipped with submerged fill pipe or equivalent, as approved by the Director for control of emissions.</p>	<p>Not Exempt</p>	<p>Applicable tanks storing petroleum or volatile organic compounds will be equipped with a submerged fill pipe, or equivalent.</p>	<p>In Compliance</p>
<p>SIP Article 9.2 (<i>Federally Enforceable SIP Requirement</i>) <u>Storage Containers Equal to or Greater than 150 kiloliters (40,000 Gallons)</u> (Continued) 9.2.3 - All facilities for dock loading of petroleum or volatile organic compound products, having a vapor pressure of 1,055 kilograms per square meter (1.5 pounds per square inch absolute) or greater at loading pressure, shall provide for submerged filling by a submerged fill pipe or acceptable equivalent for the control of emissions</p>	<p>No affected facilities located on site</p>	<p>N/A</p>	<p>N/A</p>

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>NAC 445B.22037 (<i>State Only Requirement</i>) <u>Fugitive Dust</u></p> <ol style="list-style-type: none"> Source may not cause or permit the handling, transporting, or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne. Except as otherwise provided in subsection 4, Source may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, best practical methods includes, but is not limited to, paving, chemical stabilization, watering, phased construction, and revegetation. Except as provided in subsection 4, Source may not disturb or cover 5 acres or more of land or its topsoil until he has obtained an Operating Permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land. The provisions of subsections 2 and 3 do not apply to: <ol style="list-style-type: none"> Agricultural activities occurring on agricultural land; or Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres. 	Not Exempt	Best practical methods will be used to prevent particulate matter from becoming airborne, as noted in the fugitive dust plan	In Compliance
<p>SIP Article 7.3 (<i>Federally Enforceable SIP Requirement</i>) <u>Fugitive Dust</u></p> <p>7.3.1 - Source shall not cause or permit the handling, transporting, or storing of any material in a manner which allows, or may allow, controllable particulate matter to become airborne.</p> <p>7.3.2 - In areas designated by the Director, Source shall not cause or permit the construction, repair, or demolition work, or the use of unpaved or untreated areas without applying all such measures as may be required by the Director to prevent particulate matter from becoming airborne.</p> <p>7.3.3 - Source may not disturb or cover 8 hectares (20 acres) or more of land or its topsoil, except for agricultural land, until Source obtains a registration certificate or operating permit for the purpose of clearing, excavating or leveling such land or any foreign material to fill or cover such land.</p>	Not Exempt	Appropriate measures will be used to prevent particulate matter from becoming airborne, as noted in the fugitive dust plan	In Compliance
<p>NAC 445B.227 (445.664) (<i>Federally Enforceable Part 70 Program</i>) <u>Facilities Operation</u></p> <p>Source may not:</p> <ol style="list-style-type: none"> Operate a stationary source of air pollution unless the control equipment for air pollution which is required by applicable requirements or conditions of this Operating Permit is installed and operating. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of this Operating Permit. 	Not Exempt	Any required air pollution control equipment will be installed and operated according to manufacturer's specifications	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
<p>The following provisions are applicable requirements of this Operating Permit:</p> <ol style="list-style-type: none"> 1. Source will comply with all applicable provisions of; <ol style="list-style-type: none"> a. 40 CFR Part 60.1 - 60.19 - Standards of Performance for New Stationary Sources - General Provisions; b. 40 CFR Part 61.01 - 61.19 - National Emission Standards for Hazardous Air Pollutants - General Provisions; c. 40 CFR Part 61.140 - 61.157 - National Emission Standards for Asbestos; d. 40 CFR Part 63.1 - 63.15 - National Emission Standards for Hazardous Air Pollutants for Source Categories - General Provisions; e. 40 CFR Part 70 - State Operating Permit Program. 	Not Exempt	Applicable provisions will be followed and discussed in an approved test plan	In Compliance
<p><u>Risk Management Program</u></p> <p>Source is subject to 40 CFR Part 68 - Chemical Accident Prevention Provisions. Source shall submit a risk management plan (RMP) by June 21, 1999, or other dates specified in 40 CFR 68.10. Source shall certify compliance with these requirements as part of the annual compliance certification as required by 40 CFR Part 70.</p>	Not Exempt	Facility will store anhydrous ammonia. A risk management plan (RMP) that meets applicable requirements will be submitted on a timely basis	In Compliance
<p>Source will comply with all provisions of 40 CFR Part 82. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156. Equipment used during maintenance, service, repair, or disposal of appliances must meet the standards for recycling and recovery equipment in accordance with 40 CFR 82.158. Persons performing maintenance, service, repair or disposal of appliances must be certified by a certified technician pursuant to 40 CFR 82.161.</p>	Not Exempt	Facility will use certified personnel when required	In Compliance
<p><u>Chemical Accident Prevention Provisions</u></p> <p>Source shall:</p> <ol style="list-style-type: none"> 1. Submit a compliance schedule for meeting the requirements of 40 CFR Part 68.215 by the date provided in 40 CFR Part 68.10(a) or; 2. Submit as part of the compliance certification submitted under 40 CFR Part 70.6(c)(5), a certification statement that the source is in compliance with all requirements of 40 CFR Part 68.215, including the registration and submission of the risk management plan. <p><u>Chemical Accident Prevention Program</u> – NAC 459.952 through NAC 459.95528</p>	Not Exempt	Facility will store anhydrous ammonia. A risk management plan (RMP) that meets applicable requirements will be submitted on a timely basis	In Compliance

TABLE 1
APPLICABLE REQUIREMENTS, TEST METHODS, AND COMPLIANCE STATUS

Applicable Requirement Citation and Description	Explanation of A Proposed Exemption	Test Methods and/or Monitoring	Compliance Status
Source is not in compliance with NAC 445B.230 - Plan for reduction of emissions. In order to achieve compliance, source shall submit a plan for reducing or eliminating emissions associated with the stationary source in accordance with the episode stages of alert, warning, and emergency as contained in the applicable State Implementation Plan for the State of Nevada. The plan must be submitted on or before July 1, 1998.	Not Exempt	A proposed plan is included in Appendix 3, Section 3.11 of the air permit application	In Compliance